

## **Scallop Advisory Council Meeting April 16, 2015 in Brewer**

**DMR staff:** Trisha De Graaf, Pat Keliher, Deirdre Gilbert, Kevin Kelly, Kathleen Reardon, Joseph Wodjenski, Colin McDonald and Carl Wilson.

**SAC members:** Paul Cox, James Wotton, Tad Miller, Alex Todd, Andy Mays, George Freeman, Erin Owen, Carla Guenther, Curtis Haycock, Justin Boyce, Marcus Jones and Ray Swenton.

**SAC members not present:** Randy Ramsdell.

**Public:** Mike Murphy Sr., Mike Murphy II, Derek Jones, Frank Jones, Billy Moore, Ron T. Trundy, James West, Bill Anderson, Togue Brawn, Gary Libby, Larry Wood, Keith Evans, Josh from UMaine, Tony Wood, Dana Temple, Larry Wood, Josh Stoll, Ben Heanssler, Steven Tinker, Travis Fogg, Alfred Haycock, Ryan Shoppe, Russell Leach, and Ben Crocker Jr. .

**Meeting commenced at 5:42pm.**

**Minutes [01/22/15] approved.**

### **DMR UPDATES**

#### **2014/15 Season & Landings Update [T. Cheney's Slides in Appendix A]**

T. Cheney: Before the season started, the Department had data collected from the spring and fall surveys. In-season, data was collected through port sampling, sea sampling, four in-season surveys, and marine patrol observations as well as directly from industry. This past season started December 1, 2014 and the last day was April 9, 2015 for draggers and April 11, 2015 for divers. The Department issued two emergency actions; one on December 27, 2014 closing down Lower Englishman Bay & Pleasant Bay and then another on February 28, 2015 that closed Zone 3 (Cobscook Bay, Whiting & Dennys' Bays and St. Croix River [limited-remained open Mondays for rest of season]), Inner Little Kennebec/Englishman Rotational Area, Addison Rotational Area, Casco Passage, Bagaduce River, Sheepscot River and Casco Bay. Zone 3 was mostly closed after 33 days, but the St. Croix River remained open for 6 more Sundays for a total of 39 days while Zones 1 & 2 remained open for the full 70 days. The weather helped to stretch the season out this year as it kept effort minimal during January and February.

The 2014 landings data indicate that the 2013-14 season had the highest landings and value since trip level data began to be reported in 2008. While we will not have the data finalized on this past season until February of 2016, the preliminary December 2014 landings were 215,920 lbs., which was 16% higher than December 2013 landings at 186,821lbs. indicating that we will likely continue this upward trend. Historically, in 2014 we saw the highest landings since 2000 and the highest value since 1996. A key factor driving this has been the average meat size of scallops landed which has trended higher as well as increasing abundance in the Zone 2 rotational areas where much of the fleet fished this season due to the 4 day week and higher daily limit of 3 buckets (15 gallons) versus the three day season in Cobscook and lower daily limit (10 gallons). A lot of boats did not show up in Cobscook this season and the fleet spread out. Participation also continues to increase as 438 license holders were active, which has also contributed to the higher landings. It has largely been driven by the rebuilding resource, the shrimp fishery closure as displaced boats need to make a winter income and have come into the fishery and the historically high price in 2014 of \$12.78/lb..

Finally, when we set up this new management framework a few years ago, we made the commitment that this would be an adaptive plan. I have heard that the season in Zone 1 was not that great this year and have started having conversations with fishermen in this zone about changes they wish to make to their management, as overall the Limited Access Areas (LAA) alone do not appear to be working in the face of all the additional effort in this area from displaced shrimp boats. Also, fishermen in the Western portion of Zone 2 have been discussing moving to a two year rotational plan as they believe the growth rates of scallops is much faster in this area of the state. Carl Wilson, Kevin Kelly and I went down to speak with fishermen in March about moving to 2 year rotations. In order to get there, we need to have a better understanding of growth rates. To do that we need to collect shells for ageing, which DMR will be doing in this spring survey and Carla Guenther and Erin Owen will be doing in a collaborative

research project with industry next fishing year. Also, Carla and Erin's project aims to gather fishermen's knowledge to get a better understanding of the scallop resource in the area. This information could also help the Department determine if a two year rotational management plan would be a better fit for the area. Finally, in order to offset the loss of yield from allowing areas to rebuild during a three year rotation, fishing mortality would have to be reduced to 20% compared to the 30-40% target for biomass removals we have in place now. What this means is leaving 4 out of 5 legal sized scallops behind in any fishing year compared to 3 out of 5 legal scallops right now with the current trigger threshold. In order to achieve this, additional conservation measures may be needed, such as a lower daily limit or a shorter season, we would need to do in-season surveys to ensure we are not exceeding this target and we would need to have a better understanding of fleet dynamics and fishery removals in the area. This could be greatly enhanced with the use of technology such as a swipe card system for real time landings data and GPS tracking units to better understand where the fleet is fishing and highlight areas that are potentially being overfished automatically. Therefore, the Department will be moving forward with a swipe card system for next season and has submitted a grant proposal to the National Fish and Wildlife Federation to obtain 30 tracking units that could be used to facilitate this work. We believe that technology not only offers the Department better tools for managing the fishery, but can also provide the industry with the flexibility to try new ideas and fish in a safe manner.

[Discussion about swipe card and GPS units]

### **Legislative Update**

T. Cheney: Pat wishes to have a conversation about the bill that Representative Alley submitted titled LD 908 "An Act to Promote Sustainability in the Scallop Fishing Industry". This bill would have established a statewide 90 pound daily limit, a statewide 5'6" drag limit and allow expired scallop licenses back into fishery. The result was that the bill did not pass, but part of that discussion was that Pat would have a conversation about an owner-operator requirement for the industry.

P. Keliher: Show of hand from those in the room who attended the public hearing on April 1. [almost everyone]. Rep. Alley submitted this bill without any prior consultation with the DMR. While he stated that the aim was to allow youth access, the bill had nothing to do with that. DMR was perplexed as it did not allow young people into fishery. DMR oppose the bill for a number of reasons. There was no evidence that it would allow the fishery to grow, just the opposite as it would allow an influx of harvesters into the fishery, which is unsustainable. We had some great input from the testimony on drag size. It was less about drag size and would have been more about restrictions in the limit and days that would have been needed to offset additional effort in the fishery. It was determined that the bill would be an avenue to start a conversation about owner-operator. I believe this fishery should have owner-operator and Trish will continue to have that as part of her conversations. We may have a bill submitted for next year. The committee asked me to discuss the bill with you, but the evidence was that there was no support. Glen Libby and Tad Miller discussed issues with entry. Entry with all our fisheries, lobster especially in addition to scallops and urchins, the DMR continues to struggle with. How do we allow people into these fisheries while trying to be sustainable? There have been thoughts regarding transferability. I get concerned about the transfer of the ownership of the resource. It defeats where we have been. I would encourage this group to continue to keep this as part of the conversation. In urchins we are ageing out our fishery as it has been closed for 20 years. We had a report done on the lobster fishery a few years back by the Gulf of Maine Research Institute (GMRI) that clearly shows an entire generation has been skipped over, so this is not good. As this fishery grows, having the conversation now is better. To Rep. Alley's point, bringing young people into fishery is needed for the long term health of the fishery, but how do we do it? There's not an easy answer.

B. Moore: What about passing our license down to our kids?

P. Keliher: That is a violation of constitutional rights, as it is a bloodline transfer.

J. Boyce: In 20 years there will only be 20 of us fishing.

R. Swenton: What prevents someone from selling to their son at discount?

P. Keliher: We could if we allowed transferability, but we don't now as licenses are not transferable.

G. Libby: What about licensing the vessel or business?

P. Keliher: That would move away from having an owner-operator requirement which is what I believe this fishery needs.

G. Libby: We are currently having this same conversation in shrimp. Hoping you brain storm for ideas.

P. Keliher: It is a harder conversation in shrimp as it is managed with other states.

G. Libby: It should be determined state by state.

P. Keliher: Yes I agree. It should be Maine that determines how it is done in Maine, and not the Atlantic States Marine Fishery Commission (ASMFC).

T. Miller: An important point to keep in mind though is while people want to be able to have the kids come in you need to get a license. If we go with transferability, you're going run into a problem; we won't like what we see. We have a chance to do something better, but it won't make everyone happy.

P. Keliher: It will be a hard decision and not everyone will be happy. The freshman legislators on the committee just say take it away from those who are not using it. However, we will have three times the people show up to that public hearing to take something away from someone. Historical participation is hard because we don't have good landings information, historically. It will take all of us in this room to come up with solution to this issue.

M. Jones: On transferring license, there are other fisheries around world, like Australia where it is a million dollars for a license. Corporations hire guys. New entrants are locked out because the price went high on a license. Have the State regulate the price, not higher or lower. Otherwise, the price of a license will go nuts as greed steps in as folks retiring will want to cash out.

P. Keliher: That is a good point, the corporate buy outs and the resulting consolation of licenses. With owner-operator, it would be small boats, individual owners. It is a good concept to keep in mind.

J. Ackley: Who could buy multiple boats? Who can tie up that kind of money? Why would someone do that?

F. Jones: Why not allow so many to be transferred a year, 20, 25? As 5-6 years go by, that number will dwindle.

P. Keliher: The hidden issue is latency. Those licenses will become active. How many latent licenses are there?

Cheney: There are about 168 latent draggers.

P. Keliher: The latent licenses would be the first to come in.

M. Jones: Only allow so many each year.

P. Keliher: The real problem is the legislation that was put in to closed entry to the fishery in the first place which puts control date in two months into the future and allowed so many licenses into the fishery.

A. Mayes: Hundreds of licenses!

P. Keliher: That is the issue we are dealing with now. The resource is growing, but if we didn't have that factor, we would be further ahead. We still have people coming into the fishery and we are not sure how to deal with this.

K. Porter: The question is what is the right number for this fishery? Is the goal to support someone year round or a fill in fishery for the winter?

P. Keliher: Yes, what should the social make-up of the fishery look like? I want to make a living versus having filler for lobster or the price is up on urchins and I want to switch around. The mixed nature of the fleet has been eroded away with limited entry being implemented in these fisheries.

T. Cheney: When I had the goal and objective conversations for the Fishery Management Plan (FMP) development, overwhelmingly this industry agreed on broad participation. That the fishery should be used to compliment other fisheries.

P. Keliher: The FMP is supposed to give us that basis.

D. Temple: What is DMRs attitude on how many fishermen this fishery could support? If not any more, it is premature to add more pressure. Why increase the number when we are already at point when you don't know what the resource would do still at this rebuilding stage. Down the road we may be able to support 400-500 boats for 70 days, but we are not there yet. Unless the Legislature tells you that you have to do it.

P. Keliher: They are not telling us we have to do it really, but it is incumbent upon us to have conversation. We don't want to age people out of the fishery. The Department has the ability to run a lottery, but it is hard to make business plans around a lottery and hope you get license. What is the best way to get people in?

B. Anderson: There is a lot of vacant bottom and then small pockets of good recruitment. Really need to go lightly on those pockets to get it to spread out. Fished it so hard we took it down to nothing in the past, so there was no spawning biomass for a long time. Roque Bluffs is good, there is a little pocket that is spawning and is drifting out. We are expanding surveys, but are you aren't seeing small stuff in vacant bottom. I towed right across from Libby Island to Cross Island with a 40 minute tow. In Cobscook that drag would have been full, but there was nothing there. It didn't amount to nothing for the length of the tow.

P. Keliher: That speaks to the fact that we have a way to go with recovery.

B. Anderson: When you reach out to get more, it's been scrubbed. If we can get fishery rebuilt we can talk about adding effort, there is so much bottom that needs more. People are giving out numbers on the radio to go outside to what used to be good bottom, but there is nothing there. How do we get scallops back out there?

P. Keliher: Just because we have the conversation doesn't mean we are going to put people back in. It just means we can talk about how it will work. We don't want to upset apple cart of where we are.

T. Cheney: I know Glen Libby put a proposal together regarding this discussion. Gary would you like to review your brother's proposal with the council? **[Appendix B for Glen Libby's Proposal]**.

G. Libby: I don't have a scallop license, and there has been a downturn in shrimp and groundfish. We had a license at one time. My brother put a graph in there about how poor we will end up doing. My brother thinks people should own a scallop boat. He's proposing more of a business owning a license, which moves away from owner-operator. Multispecies permit holders should be at top of the list if licenses are handed out again. Tells how tough it is for us. We would like to get back in. We were hoping to get license back in 2012 when they said licenses would open back up, but that hasn't happened. If the time ever does come to get a license again, perhaps there should be a tiered license for new entrants. Maybe a 135 lbs. limit for the regular guys, and give us 75 lbs. – that is just an arbitrary number, but you get the idea. It would be a way to get new entrants in. It would be nice to be able to have this fishery so we could use it in our circumstance to use as a filler. Also, there has been a lot of new effort from the shrimp fishery closure, but we are hoping to get that back. Having this license and knowing you can go out and make some money in the winter would be good. We are asking this committee and the DMR to consider our position.

T. Miller: I have talked to Glen on this. Glen's thing is their business always owned the license, they owned boats, but his father had the license. I think an owner-operator situation is fine, and I think they would buy in.

G. Libby: I would testify for that.

T. Miller: The one thing Glen talked about in our discussions and a lot of us can relate to it. How would the guys Downeast feel if we drew a TAC based on lobster landings 20 years ago? Or shrimping 20 years ago? My point is that the resource shifts. Can't understand and predict it. We need to have a bit of compassion. They went scalloping for years. Keeping that stuff in mind is important

M. Jones: How did you lose your license?

G. Libby: We were in a rough spot, and didn't buy the license in the window. We are asking for the opportunity to be considered when new licenses become available.

P. Keliher: It is important for the SAC to determine what is palatable and what is not. Trish will continue more regional fishery meetings. Those things need to be part of conversation.

M. Jones: My concern is that this is a perishable fishery. Our best instructors are here for the next generation. Someone should be a crewman on a boat, sort of like the lobster apprenticeship program so you can learn from those in the fishery who know how to preserve the fishery. Otherwise they will wreck everything we have done to rebuild the fishery over the years. Also, if we are going to give more out, make money off them.

C. Haycock: Also for safety, diving or dragging. If they are interested in the fishery, they should be willing to do more time on a boat.

P. Keliher: Those are all fair comments. Mr. Leach?

D. Leach: It does line up with an apprentice program. I am not for licenses to be taken away, but I think an apprentice program would be good. I would do it for groundfish or shrimp to be able to go. I would like to get on the stern, to get on a groundfish boat and gut fish. I paid for license. It seems harsh, it really does, but a lot of guys didn't want it, didn't have the foresight. They said it wouldn't come back, but it has. On Channel 5 news the other night it was showing the new level 1 licenses - maybe in the future we could get them involved. I would like to see apprentice. Sounds harsh, but I know a lot of guys who get on lobster boats.

P. Keliher: I think the fishery apprentice program may be worthwhile especially where safety is involved.

D. Leach: You learn the most going by yourself, but learn a lot on deck too.

P. Keliher: They are valid comments. The elver fishery wanted an apprentice program for running a dip net – that doesn't make sense. Fisheries like this with an element of danger, tank on a diver or on a dragger, it makes sense.

R. Swenton: Has anyone at the DMR looked at examples from New Brunswick or Nova Scotia? Is there anything applicable to Maine?

P. Keliher: There are some examples of big license holders and corporations.

R. Swenton: But there are also some smaller scallopers.

P. Keliher: We have looked at it in lobster.

R. Swenton: The big offshore fishery is same as our federal big boats. Cooperate fleet owners with big resources like the New Bedford fleet. But there are also smaller fishing boats the inshore scallop fishery.

C. Guenther: Last spring a number of people in this room attended the US Canadian Scallop Summit in St. Andrews . Tad Miller, Paul Cox, and Curtis Haycock. [Also Kristan Porter, Mike Murphy, Togue Brawn, Kevin Kelly and Trish Cheney]. One of the biggest conversations there was about how the all the small boats are being drowned out of the fishery.

A. Todd: They all said you have to figure out who's in fishery and then get guys on sidelines out of the fishery.

J. Wotton: If we are giving out new license, they need to be active. We don't want not more latent licenses.

P. Keliher: Yes, if someone receives a license, they need to be invested and have capital in fishery. Looking at this in lobster.

C. Haycock: But how many are really latent? It's possible they went all year and didn't log it.

P. Keliher: We wouldn't allow them in if they didn't file reports.

T. Cheney: We are also aware that some folks are getting a bucket of scallops off someone and selling to a dealer just to get landings.

B. Anderson: Young people are already working in fishery, for both lobster and this fishery. We need to license the sternman. Then you know who is out there. As older people move on you know who has been in the fishery. Look at how to start an apprentice thing now. You can't just buy a boat and get license. If you have never done it, you're going have a hard time. We should encourage skippers how to show young people to run boats so they learn. I know some of the offshore boats when they are hauling gear, no one guys does the same job. They shift around so everyone in the crew knows how to do to the position, so when one guy goes down, they all know how to keep boat running.

P. Keliher: I think apprenticeship is a valid conversation to have. The idea of licensing a stern and crew member is a bad one from an enforcement standpoint. I see a lot of people in my office for length of suspension hearings, and they sit right there and blame it on the sternman. The responsibility of crew is on the captain for what happens on the boat.

B. Anderson: My thinking of a sternman license is different, in terms of those who hold the right to catch and hold product - that is the license holder. For the sternman license, anyone can buy one in the state of Maine. Might want to know how they use it, but still is responsibility of captain. It would be a good thing to know how many people would realize profit from this fishery. Give you a list of people who have experience. In the future they have training and been the around fishery and know how to do it.

C. Haycock: But the apprentice would have some sort of license.

D. Leach: What do you think should happen Pat?

P. Keliher: Whatever you like. I could come up with a whole suite of things in my golden palace looking over the Kennebec, but I want to come up with something that worked, that ensures we have a sustainable resource.

D. Leach: I agreed.

P. Keliher: Write that down – that we agree for once!

K. Porter: If we have 168 latent licenses right now, that is the problem. We are going to create more latent effort – it's the same issue. I'm a firm believer in owner-operator because of stewardship of the resource and everything else. Right now, latent effort IS the limited entry system.

A. Mayes: Why do divers have to pay another \$100 to have a guy help?

P. Keliher: You mean for a tender? We can talk about that. Put that as part of conversation. Also, the idea of a limit on dive boats came up at the urchin meeting last week. The amount of landings from divers is about 1-2%. The idea that we have dive and drag fisheries that are managed together doesn't really make the most sense. We have a niche fishery with divers, if separated we could have a bigger economic boom. I know this is an emotional topic, but all of these things could be discussed.

E. Owen: I know we were working on an FMP. Where are we on that?

Cheney: It has been on the back burner as I have been dealing with other things. I need to draft up the document and bring it back to this body to continue that process. It will be coming soon.

### **2014/15 Season Discussion**

P. Cox: We had a good season in Cobscook. For the 40% target, I made fun of them scientist last year. I think we were right on at 30% this year, I think we could have taken 40%, but it was a good year.

J. Boyce: I had a good 19 days, and then I had to look a lot harder. I didn't like where we had to fish, the areas got pounded because we didn't have a lot for places to go. I think we did a lot more damage. Not sure it will be good when it opens back up.

M. Jones: I fish the Jonesport and Roque Island area. There was still a lot left on bottom, when you say 3 of 5 scallops should be left behind, they were there, a lot of smalls, but also a lot of broken shells. But everywhere we went there were scallops on bottom. Some areas there is dead bottom, it has changed and there is nothing there. See old holes where they used to be, empty

nests, and I am not sure why. Went back to Frenchman's Bay near the end of the season and I saw a lot of scallops. Going through James' drag tracks and I saw a lot left on bottom, a lot of dinner plates.

J. Ackley: Everybody did well. The first closure I did was right on time, but I think it was premature for second one. Most of the gravy hoppers hung up their gear at that point, so it penalized the guys who stuck it out. Personally I did 37 days this year. 7 or 8 of them I shouldn't have been there [weather]. This is my last meeting sitting up here, my replacement is right there [Curtis]. I appreciate all the input from you guys in audience. It's hard because you need to make tough decisions, and people won't be happy with you.

[Audience applauded Ackley for his service to the SAC as he stepped down]

G. Freeman: Portland and Casco Bay was frozen over since January. Then DMR closed Casco Bay and the only place to go was 8 miles offshore. Saturdays it was always blowing 40-50 miles and so I couldn't get to LAAs.

A. Mayes: I didn't have high expectations for this year, but like Marcus said, the Bass Harbor and Swans Island areas have been dead bottom for a decade. There were not a lot of pie plates, but because of last 3-4 years and closures, it was impressive how much stuff is in there. Then I got cancer so I left fishing.

M. Jones: We found some big beds.

A. Mayes: At end of the season I talked to David Horner. And David being David, there wasn't a day he didn't get limit. He went up near James and said he got the limit and 110 lbs. of them were U10 like what Marcus said, which at this time of the year is crazy to stumble across this late. I can't digest leaving 4/5 scallops behind, it's a paradigm shift for me to think about. I don't know if we need to be leaving that much behind. I remember being here with only 150 people fishing, now so many more, keeps increasing.

J. Wotton: Talked to a bunch of guys in my area and it was not a great year. The LAAs are almost a disaster. Almost nobody got their limit, even on the first day. It worked the first time around, but the way they are managed right now they are not working.

A. Todd: Casco Bay was the same as always, a few areas that looked good. A lot of spots people were struggling in. People dropped off early. I started January 8th and we went right to the end and it was right on par. Got a lot of U10 a right at the end.

C. Haycock: We had a good year. I say 'we' because there is a group of us that travel together. We started out at home in Milbridge and it worked well for a while, then we packed up and went Downeast and went to South Bay with Paul [Cobscook]. It looked fantastic. All though we got shut down a little too quick, as last day was best day. All in all had a really good year.

E. Owen: A year ago there was a lot of concern about opening the third rotation. I am encouraged to hear that the season turned out a lot better than we expected.

C. Guenther: I would echo exactly what Erin said, and also the concern over the 3 rotations. Also, there was a lot of bad weather this year, so there certainly was not as much activity. But a lot of grinding because of the weather, days, and limited availability of areas.

R. Swenton: From the buying perspective, there was a good percentage of product on the open market, especially a lot of big scallops towards the end of season.

T. Miller: The season was better than I had expected but it doesn't mean a lot as not a great season by any means. I am hoping we can think up a new plan for our area. Towards the end of the season it held up a lot better than I thought. But still there are a lot of guys banging the bottom. Next year is not going to be so good and then following year guys are going to hurt.

T. Cheney: So, I just want to clarify that guys in Tad's area, Spruce Head, Tenants Harbor, and Rockland, fished the Rotational Area that was open around Vinalhaven. This alleviated effort around Muscle Ridges.

T. Miller: That saved us.

A. Mayes: Guys around MDI are in favor of continuing the LAAs in that area. I would like to keep the sound [Somes Sound] to one day a week to keep it open longer. Maybe we even do that in Gouldsboro Bay. With increased effort and smaller areas, it gets hit harder. As a diver I am disadvantaged and on fringe. A lot of traffic out there, but Justin is the traffic.

J. Boyce: There are only so many areas you can find scallops.

A. Mays: I appreciate the Department giving us 70 days. I like idea of trimming them off when needed. If it got closed early like suggested, we would have only had 6 weeks. I really appreciate that they worked with us.

P. Cox: Also, the last 6 days the Department gave us up in the St. Croix River helped guys out a lot. They found a good bunch up there. It worked for the last few weeks.

T. Cheney: It was a compromise and Paul and Colin McDonald advocated for that to help keep the boats in that area working, even if it was one day a week.

J. Boyce: For the LAAs, would it make more sense to put those days at the end of the season?

G. Freeman: They are already delayed and open in January.

J. Boyce: Good bonus for people that stay in it and ground through. Might get 10-15 less boats.

M. Jones: You mean pushing them towards end of February and March?

J. Boyce: Maybe diving could be different.

A. Mayes: If the sound is open, everyone is going to get it. First year it worked well, 2 days a week, got closed early because it was done.

J. Boyce: Gouldsboro?

A. Mayes: I would want to ask James first as it is his backyard.

J. West: Is the area open?

T. Cheney: When the rotational areas fully phased in last season, the LAAs sunset. So that whole rotational area will be open next season.

C. Haycock: A lot of folks don't unrig their boat, so they will just go.

T. Cheney: Next year, the rotational areas that open have only had one year to rebuild, so it could be a lean year.

B. Moore: Why not open up the area from Jim's head east? It is so weather dependent.

T. Miller: We are thinking about possibly changing something down our way too.

M. Jones: There is certain bottom that is just dead. Something has changed. Something has taken over. The Ph balance has gone up a slightly.

T. Miller: This is something we should be paying attention to.

G. Freeman: Do you want your LAA changed Tad?

T. Miller: The Muscle Ridge used to have quahog shells three feet deep, now the bottom has changed. Had a little break a few years back, and it was good, but it looks like it was just one seed set and doesn't shows signs of recruitment. Getting in touch with what has changed will help us.



B. Anderson: The LAA we used to have, I think it would be wise to continue that. When we open that I will be curious to see what comes out of there. Had one year rest. Year before it was closed even earlier. The 4 inch rings should let the small ones escape.

J. West: For Gouldsboro Bay, right outside of the Sally Islands is a dead zone and not many of them there. The whole area from Winter Harbor to Petite Manan will not have a lot of scallops in it.

A. Todd: I would like to see the new activity each month broken down. In Casco Bay we have old and new guys that go, and new guys are drawn by the LAAs and only put in those days.

J. Boyce: How many times are the active guys really going?

T. Cheney: I am going to be working with Erin Owen on a possible data mining project to look at the landings trends a little more closely. We now have a good time series of data. It will help inform our future conversations. I would also like to look more deeply into the survey data to look at trends over time as well. I would like to be able to give the council more than just a landings, value and active participation update every year.

B. Moore: Towards the end in our area [Bucks Harbor] there are only 8 or 10 boats that keep going until the end.

T. Miller: What will swipe card give us?

T. Cheney: Daily landings. But it won't give us where the landings came from. There are limitations. That is why we are also looking at GPS units. Putting the swipe cards in this season is the first layer. Still need to figure out how to deal with peddling.

B. Moore: There is not a lot of bottom for next year. Can't we open more up? Have half the season in the one area and the other half in another area [rotation].

T. Cheney: There are many ways to rebuild a fishery. This plan allows a limited fishery by managing the drag impacts and allowing scallops to spawn undisturbed and to grow and maximize yield. Ideally, we should be doing 6 year closures as it would allow the scallops to be undisturbed from the time they land on bottom as spat until they recruit up. However, simply closing the fishery is not an option, so the three year rotations are a compromise.

B. Heanssler: I think we are doing more damage! We come to all these meeting and you told us we would be able to change these lines for next year!

T. Cheney: While we don't have the information needed to justify or inform how to change those lines for next year, I have laid out a plan on how we are going to move forward to collect that information to support informed changes to the plan.

E. Owen: There has been a lot of discussion about the 2 year rotation. The pieces of bottom that open up next season have only had one year closed. So it will be good to see how they perform to evaluate that.

C. Guenther: We had a discussion in Stonington in March and the Department says we don't have enough data to support the change right now. We are moving towards collecting that information.

J. Boyce: There is nowhere else to go. You are going to kill it eventually if you only have the same spot. 50-60 boats in some places. It is not a way to manage a resource, it is a way to kill a resource! It takes away from everything that we have gained.

J. West: Will there be a survey of these areas that are going to open up next year?

K. Kelly: In the spring will be in all the pink areas, similar to this past year. Areas that will be open for 2015-16. Going to also do the western areas.

J. West: We will have that information before the season?

T. Cheney: Yes, and like last year I will do a round of pre-season information meetings again.

B. Anderson: I look at that map [next year's open rotations] and the areas are looking bad. But I look at the year after next year and we will have a bright future. Areas that will have been closed for three years, and two years. Little Machias Bay and other areas we will have a better idea what this will look like after just having a year rest. We are getting closer to a point. I had a chart with a line running up and down the coast, whole coast open, and outside will have 7 days a week as it is so weather dependent. This coming season will be a bad year, but if we can get beyond that, we will be good. There are a number of years now where we have been using 4 inch rings. This year I admit it looks kind of bleak, but may not be looking at how things came into these areas. I spent a whole year in Cobscook this year and we are missing two year classes in Whiting & Dennys Bays. There is a lot of little stuff in there, but no new recruits this year in that bay for some reason.

M. Jones: So, with the closing mechanism [30% Trigger], hopefully we start with 70 days, but it won't last because they are such small areas. Beating these places to pieces because so small. Going to be a short season.

E. Owen: Going back to the GPS units with heavily fished area. They would allow us to get real time information about how many boats are in an area. Identify these areas and close them, restrict areas before they get completely pounded. Trackers can help. How many?

C. Wilson: 30 units.

B. Joyce: We want to try to avoid that.

T. Cheney: The GPS units would help that as we would know when an area hit the trigger and could close it more effectively.

J. West: When is survey? Traps are going in the water now! You should do it at the end of the season.

T. Cheney: We have had some logistical issues, but it is supposed to start soon.

M. Jones: What about doing a dive survey?

T. Cheney: Carl is hearing this. Perhaps we could expand the urchin survey?

M. Jones: Small areas and we will get shut down early. What about shutting down in February?

J. West: There are guys that will go.

E. Owen: Could we invite someone to give a presentation on the GPS units?

J. West: I liked it when I did the pilot project.

T. Cheney: Could we put that on the next agenda chair [Alex]?

A. Todd: Yes.

P. Keliher: I know we are wrapping up. There are two of the three people here tonight that are stepping down off the SAC. I want to thank you the work that you have done on closures and rotational management. Jimmy already spoke his piece and went out in style. Thank you. And Rick Wahle from the academic side of things – we appreciate his service as well. Finally, Dana Temple served as chair for a number of years. Thank you for your work.

D. Temple: These ideas were tough and not well received. One of the gratifying things is having fishermen see the benefits. I was the one that said this group wouldn't see the benefits of what you are doing, and having that happen is completely gratifying. Thank you.

P. Keliher: I have had several people grab me in hallway and ask me about this, so I will share it with all of you. For the first time in the history of the Department, I took all the licensees from an individual for life, a lifetime ban - Lucas Lamoine. I am done dealing

with habitual offenders. I changed the law last year. This one had 29 violations over the years and all it takes is 6 violations for me to be able to do it. But for this case I bundled them. This is a limited entry fishery, and it is a privilege to hold these licenses.

**Meeting adjourned at 8:05pm**

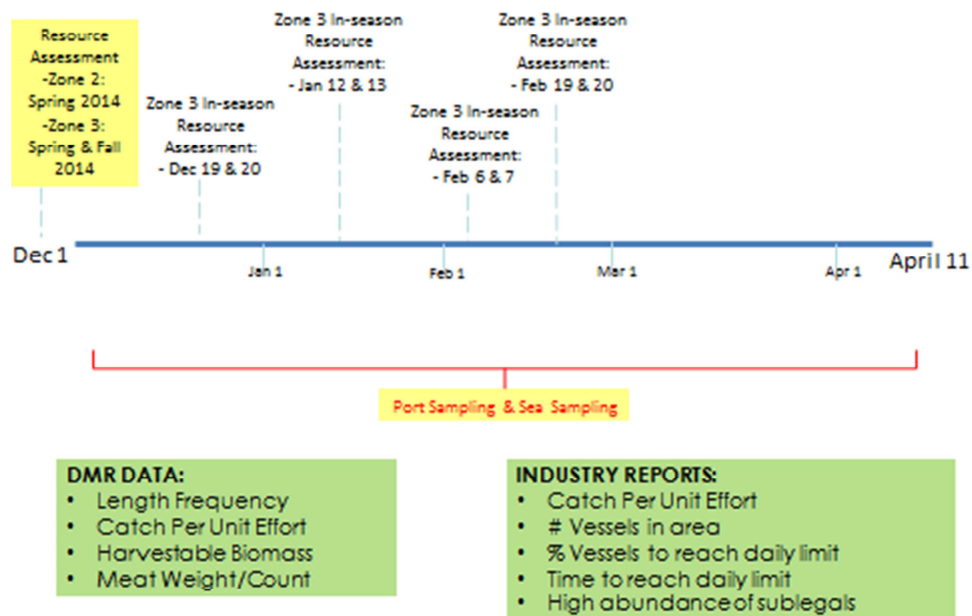
Next meeting will be hosted tentatively on June 4 at Ellsworth City Hall.

DRAFT

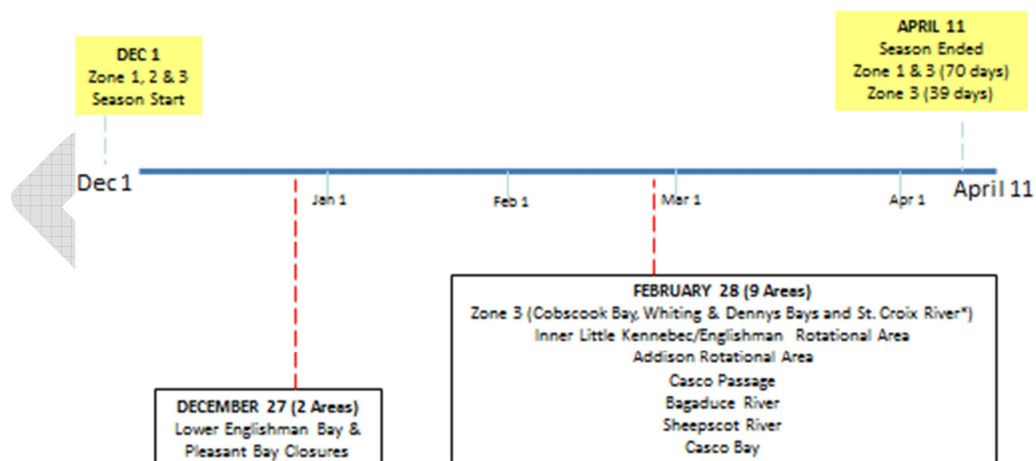
## Appendix A

### Trish Cheney's slide presentations

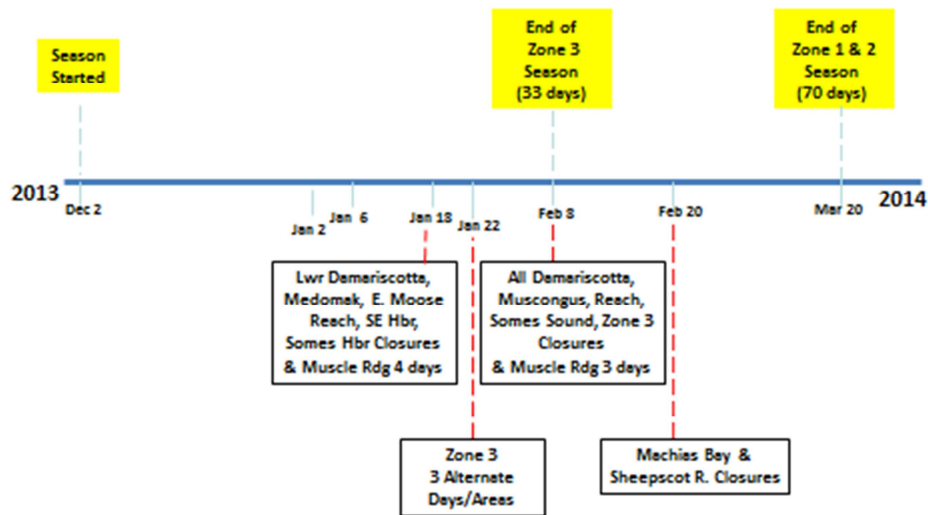
#### Fishery Data Collection & Monitoring Timeline: 2014-15 Season



#### Emergency Action Timeline: 2014-15 Season

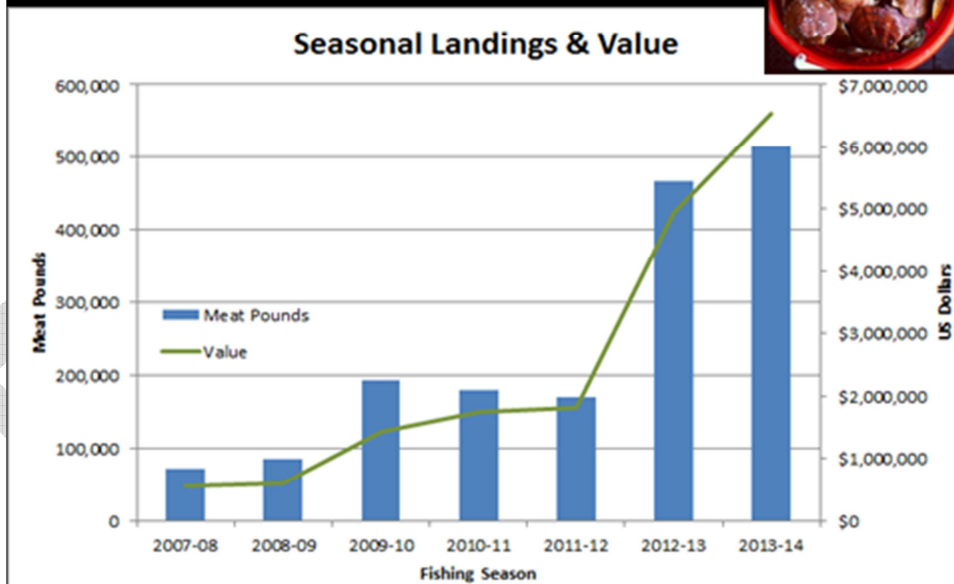


## 2013-14 Scallop Season Emergency Closures Timeline



## Landings & Value

2013-14 Highest since mandatory reporting implemented

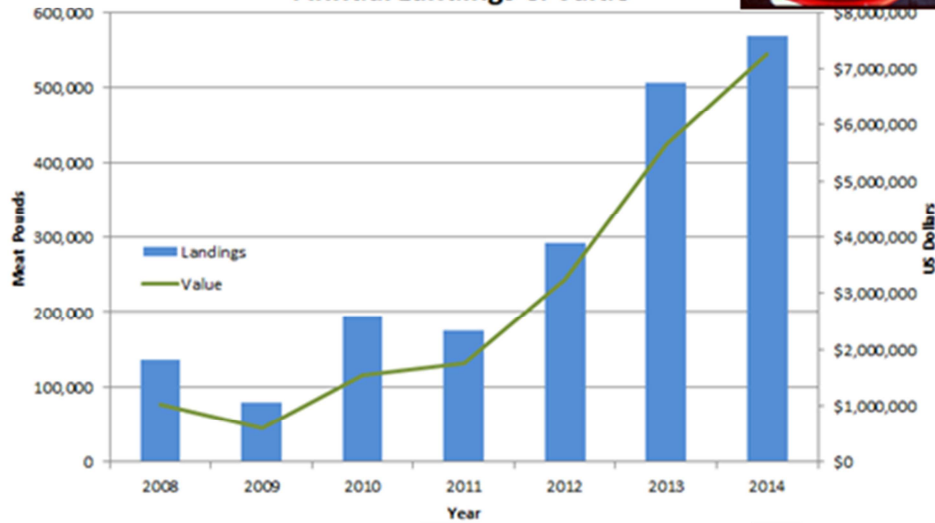


## Landings & Value

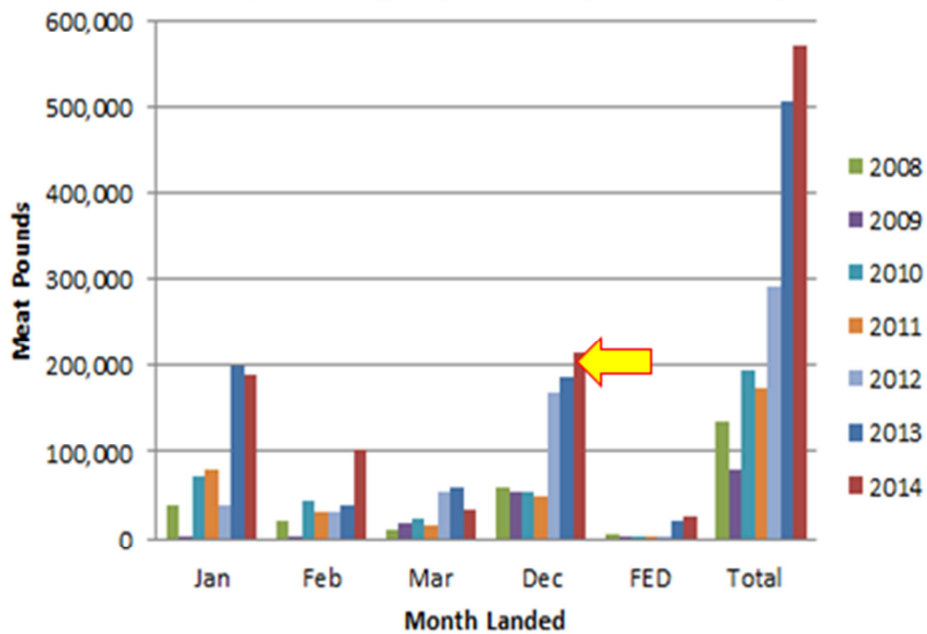
2014 Highest since mandatory reporting implemented

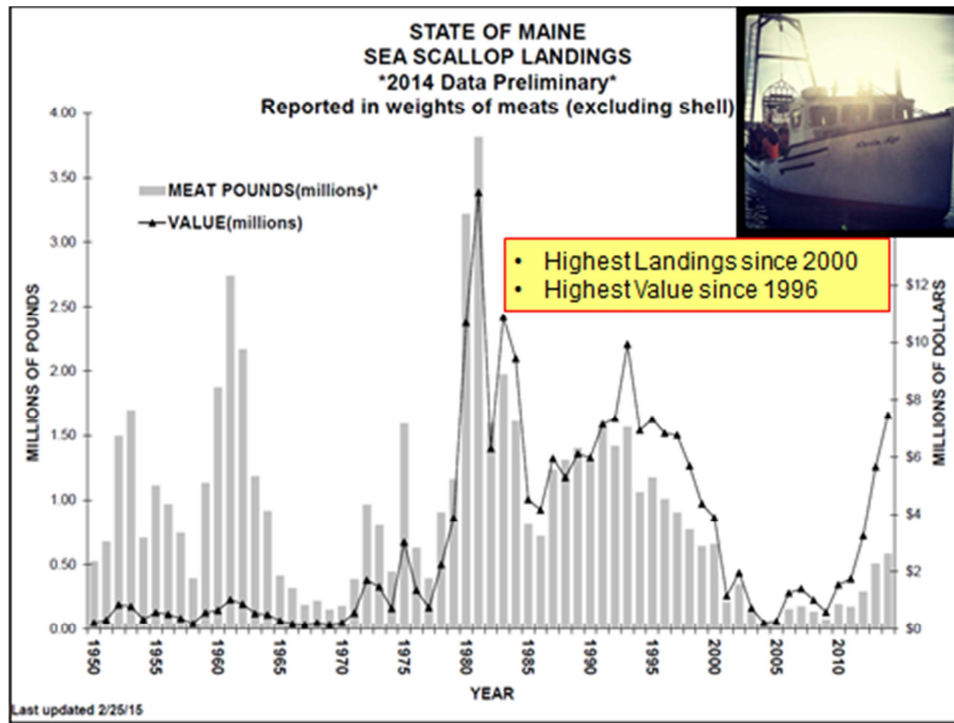


### Annual Landings & Value



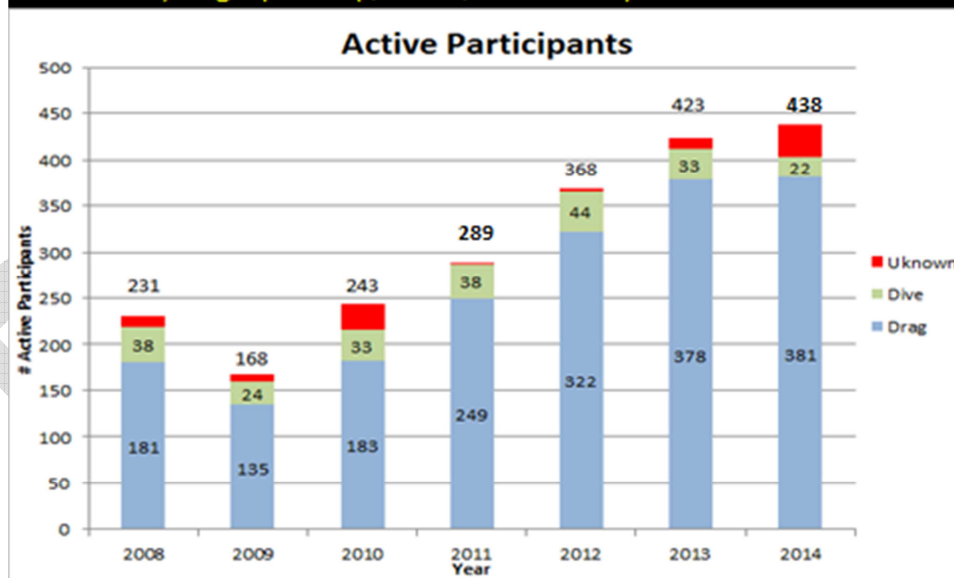
### Scallop Landings by Month (Dealer Data)



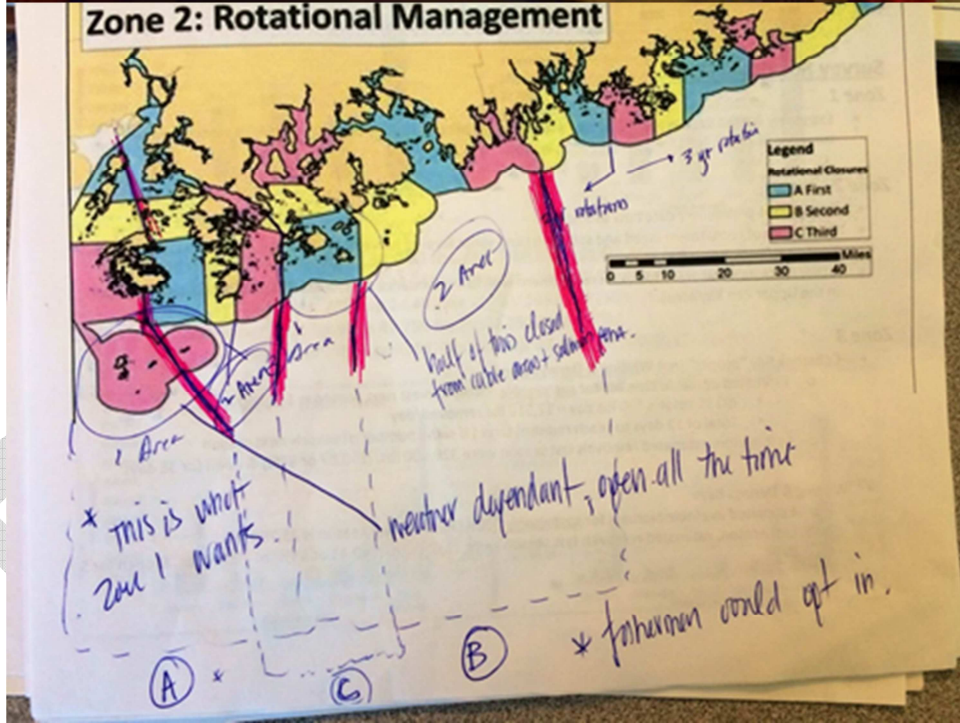


## Increasing Participation

Driven by rebuilding fishery, shrimp fishery closure & historically high price (\$12.78/lb. in 2014)











## **Work needed to support 2 year rotations**

### **1. Validation of faster growth rates in area**

- Shell Collection
  - DMR Spring Survey
  - 2015-16 Fishery

### **2. Better understanding of scallop resource in area**

- Owen & Guenther Project
  - Using fishermen's knowledge to map areas

## Work needed to support 2 year rotations

3. **Fishing mortality/biomass removals reduced to 20%**
  - Offset loss of yield from 3 year rotations
    - 4 /5 scallops left behind
    - Vs. 3 /5 (30-40% biomass removal)
  - Other conservation measures
    - Shorter season
    - Lower daily limit
  - In-season surveys
    - Cobscook success
  - Better communication/monitoring of fleet dynamics
    - **Technology**
      - Swipe cards (next season)
      - GPS Units



KeyWord(s): 40376  
 National Fish and Wildlife Foundation - Electronic Monitoring and Reporting Implementation  
 Grant Program - 2013 Full Proposal  
 Title: Aggregated fishing activity to determine adaptive closures in the Maine Inshore Scallop Fishery  
 Fishery  
 Organization: Maine Department of Marine Resources

### Grant Information

Title of Project  
 Aggregated fishing activity to determine adaptive closures in the Maine Inshore Scallop Fishery

Total Amount Requested \$ 121,500.00  
 Matching Contribution Proposed \$ 4.00  
 Proposed Grant Period 07/01/2013 - 06/30/2016

### Project Description

We propose to develop a vessel tracking program that establishes methodologies to quantify fishing intensity and relate this to fishing removals relative to the underlying resource. In this pilot project, we will purposely select vessels fishing in similar regions of the coast to maximize reporting development of aggregated activity in predefined grids.

### Project Abstract

The Maine DMR's Bureau of Resource Management, Marine Science and Marine Patrol propose to work collaboratively with members of the Maine Inshore Scallop fishery to develop methodologies using electronic monitoring technologies (tracking) to adaptively manage the scallop fishery for resource recovery. We will partner with RockCreek, a market leader in Inshore SED that designs and manufactures their own tracking equipment, writes the software which runs them and develops the reporting tools and mapping services. Aggregated fishing activity will be compared to standard fishery independent survey data. As it is impossible to survey all areas during the season, this project will determine where in-season surveys will be conducted based on aggregated tracker data. The in-season survey results and subsequent calculated changes in exploitation rates can then be compared to the tracker data to develop a proxy for exploitation, based solely on tracker data. The full implementation of a tracking project, targeted in-season surveys and objective decisions can be made to close areas based on an exploitation trigger in an adaptive manner, while maximizing fishing opportunities for the fleet.

### Organization and Primary Contact Information

Organization Maine Department of Marine Resources  
 Organization Type State or Local Government  
 Organization Web Address www.maine.gov/dmr  
 Organization Phone 21 State House Station  
 Street Line 1  
 Street Line 2

City, State, Country, Postal Code Augusta, Maine, North America - United States 04333-0021

Region (if international)  
 Organization Congressional District All Districts (All)

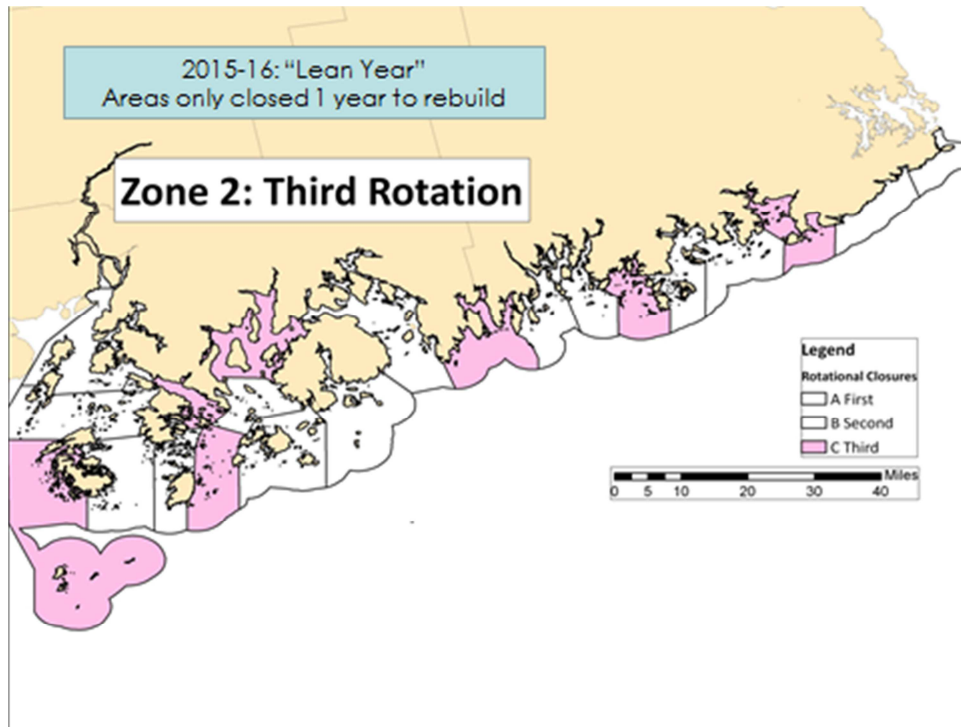
Primary Contact Rochelle Nating  
 Position Title Resource Administrator

1133 15th Street, NW  
 Suite 1100 Washington, DC 20005

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Version 1.1

Technology offers flexibility to explore new ideas and fish safely.



## **Appendix B**

### **Glen's Libby's Proposal for Past License Holders**

#### **Glen Libby's Proposal for past scallop License Holders**

Survey for past scallop license holders.

(Rationale: it is obvious that a wide open licensing renewal for all past living license holders could be disastrous for the rebuilding program that is now taking place. However, there are certain circumstances that some businesses are in that require multiple fisheries to survive. The questions should be designed to separate those who really need multiple fisheries, and have history in multiple fisheries, from those who have no experience or boats or gear who simply want to hold a license. A scoring system could be used based on the questions to narrow the field down to those who actually need the license to stay in business versus those who simply want to cash in on a resource that they now see as growing due to successful management efforts.)

1: Has your business held a scallop license before? What years?

(Rationale: History in the fishery is important; there may be some family businesses since 2009 that have changed operators from father to son/ daughter etc. In some cases the son/ daughter may not have held a scallop license but there was a history of scalloping in the business. In these instances it is important to focus on the business instead of operator or possibly transfer the potential license from the parent to the son/ daughter so they are able to continue to run the business. There should be a mechanism for the son/ daughter who are now operating the business to be able to access fisheries that the business had access to under the former license holder.)

2: In what fisheries is your business planning on participating in 2015 and how have those fisheries been impacted by fisheries management rules or stock status?

(Rationale: There have been cuts in some fisheries that have severely impacted the ability of certain fisheries businesses to operate that are beyond their control. For example; Ground fish will be very difficult to be profitable at during the 2015 fishing year and likely beyond due to cuts in cod quota. Holding quota for all species, including cod is necessary to be able to go fishing; cod quota will be in short supply. Once you are out of cod quota you will not be able to fish for any ground fish.

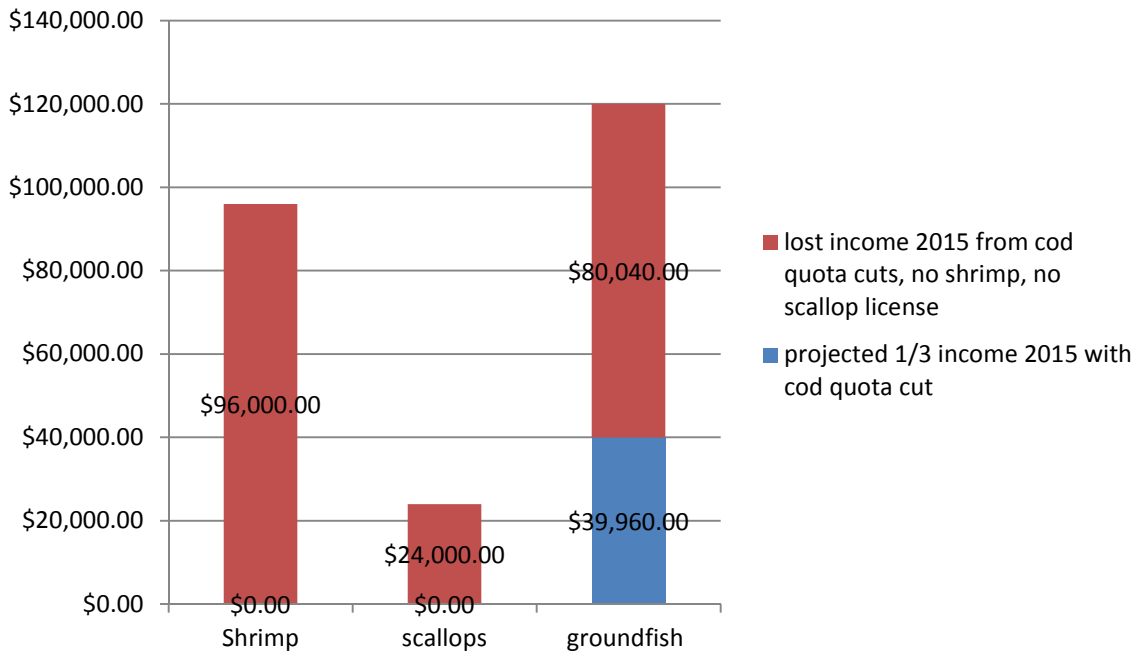
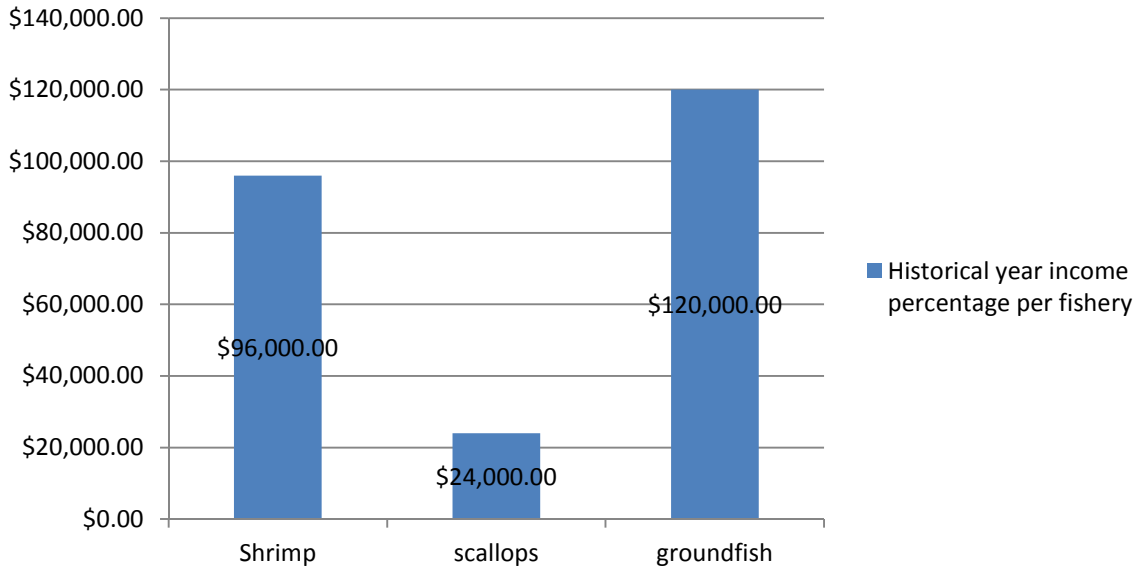
No shrimp season.

No scallop license is strike three.

If your business is doing well in other fisheries, lobster for example, the need may be determined to be not as dire and scoring could be lower for recovering a scallop license. )

Here is a bar graph showing a typical fishing year for someone who catches ground fish, shrimp, scallops and a projection of what is in store for 2015 with no scallop license and no shrimp. The cuts in income for ground fish are a projection based on a percentage of reduction in cod quota .

## Historical year income percentage per fishery



3: Why did you not renew your scallop license in 2009?

(Rationale: It is important to distinguish from those who had hardship beyond their control that lead to non renewal versus those who had no interest, wanted to save a few hundred dollars etc.)

4: Do you own a scallop boat and gear and have you ever fished for scallops?

(Rationale: there are several hundred licenses out there right now due to the non discriminatory process that was used to issue licenses in 2009 that have no scallop history or scallop boats or scallop gear, we should not add to this pool of latent licenses and instead focus on businesses who will actually create economic activity, provide jobs, etc.)

5: Do you hold a multispecies ground fish permit and does your business have a boat and gear that actively fishes for ground fish?

(Rationale: Maine has about 40 active ground fish vessels left in the entire state, all of them need to be preserved or we could find ourselves with an ocean full of fish at some point and no access to them. While ground fish is a small percentage of total fisheries income in Maine right now it used to be significantly higher. It is likely with all the management rules in place that there will be a turnaround at some point in time and ground fish will become an even more important fishery again in Maine. It will be incredibly short sighted to not do everything possible to make sure that the few active ground fish businesses we have right now are able to survive. If you acknowledge that reissuing a handful of scallop licenses will help that happen then this question should have a very high score and could potentially be the only criteria for reentry.)

6: Why do you want to go scalloping?

(Rationale: Answers to this question could separate those who merely “want to try it” from those who “need” it.)

There may be other relevant questions that would help in a scoring process for this task.

There is precedent for using a scoring method based on a questionnaire to determine eligibility here in Maine. A similar but very comprehensive data set is developed based on questions to operators in a competitive bid process to do various research surveys for the state. Participants in the scallop survey competition for example are scored with various criteria that narrows the field down to one. A similar approach could be developed to allow for a very limited entry back into scalloping based on criteria that is compiled from questions that are specific to the scallop fishery and the individual businesses as demonstrated in the potential questions above.

The long view of course is important, a robust scallop fishery here in Maine is the goal and eventually, a system that would allow for an orderly entry/ exit program without compromising the fishery. There should be however a system where exceptions can and should be applied based on various criteria and need.